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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,487	03/14/2001	James Robert Davis	STL9-2000-0074US1	3624

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EXAMINER	
BLAIR, DOUGLAS B	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/808,487	DAVIS ET AL.	
	Examiner	Art Unit	
	Douglas B. Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-20 are currently pending in this application. The amendments to the claims have overcome the previous rejections.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,524,241 to Ghoneimy et al..

4. As to claim 8, Ghoniemy teaches a computer readable medium having stored thereon computer executable instructions for performing a method for ensuring client access to unpaired messages from a server, the method comprising: the server detecting at least one unpaired message to be stored in an unpaired message queue, the server distinguishing the at least one unpaired message from a paired message in response to a communications disruption between the client and the server (col. 14, lines 55-65); creating the unpaired message queue a server, the unpaired message queue configured to store a plurality of unpaired messages intended for a client (col. 14, lines 55-65); utilizing a protocol which allows the client to request at least one unpaired message stored in the unpaired message queue (col. 13, line 50-col. 14, line 8).

5. As to claim 9, Ghoniemy teaches the computer readable medium of claim 8, wherein the method further comprising the server dynamically creating the unpaired message queue in response to the server detecting at least one unpaired message (col. 14, lines 55-65).

6. As to claim 10, Ghoniemy teaches the computer readable medium of claim 8, wherein the method further comprising notifying the server of a client request to enable dynamic creation of the unpaired message queue (col. 13, line 50-col. 14, line 8).

7. As to claim 11, Ghoniemy teaches the computer readable medium of claim 10, wherein notifying the server occurs during establishment of communications between the client and the server (col. 13, line 50-col. 14, line 8).

8. As to claim 12, Ghoniemy teaches the computer readable medium claim 8, wherein the method further comprising the server notifying the client when the unpaired message queue contains an unpaired message (col. 13, line 50-col. 14, line 8).

9. As to claim 13, Ghoniemy teaches the computer readable medium of claim 8, wherein the method further comprises: generating a request message to be sent from the client to the server; storing an indicator in request message to enable the client to distinguish between unpaired messages (col. 14, lines 55-65).

10. As to claim 14, Ghoniemy teaches the computer readable medium of claim 8, wherein utilizing the protocol further comprises allowing the client to request automatic transmission of unpaired messages stored in the unpaired message queue (col. 14, lines 55-65).

11. As to claim 15, Ghoniemy teaches a system for ensuring client access to unpaired messages from a server comprising: a request module configured to receive a client request (col. 11, lines 44-55); a response generator which receives the client request from the request module

and generates and appropriate response (col. 13, line 50-col. 14, line 8); an unpaired message module which analyzes the response message generated by the response generator and configured to distinguish a paired message from an unpaired message in response to a communication disruption between the client and the server and to store paired messages in a paired response data structure and unpaired messages in an unpaired response data structure (col. 14, lines 55-65); and a response module which communicates paired and unpaired messages to a client (col. 14, lines 55-65).

12. As to claim 16, Ghoniemy teaches the system of claim 15, wherein the unpaired message module is further configured to dynamically create the unpaired response data structure in response to a first unpaired response message (col. 14, lines 55-65).

13. As to claim 17, Ghoniemy teaches the system of claim 15, wherein the response module is configured to automatically send all unpaired messages stored in the unpaired response data structure (col. 14, lines 55-65).

14. As to claim 18, Ghoniemy teaches the system of claim 15, wherein the response module is configured to send all unpaired messages stored in the unpaired response data structure in response to a request from the client (col. 13, line 50-col. 14, line 8).

15. As to claim 19, Ghoniemy teaches the system of claim l 5, wherein the system is activated upon the server receiving an activation request from the client (col. 13, line 50-col. 14, line 8).

16. As to claim 20, Ghoniemy teaches the system of claim 15, wherein the response module notifies the client when the unpaired response data structure contains at least one unpaired message (col. 13, line 50-col. 14, line 8).

17. As to claims 1-7, they feature the same limitations as claims 8-14 and are rejected for the same reasons as claims 8-14.

Response to Arguments

18. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair
DBB

Andrew Caldwell

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER